IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.

CRIMINAL APPLICATION NO. 5557 OF 2004.

IN
CRIMINAL APPLICATION NO. 3705 OF 2004.
IN
CRIMINAL APPEAL NO. 1036 OF 2004.

Shri (Dr.) Dinesh Keshav Narurkar ..Applicant.

vs.

The State of Maharashtra ..Respondent.

Shri S.R. More for the appellant.
Shri A.S. Shitole, A.P.P. for the respondent-State.

CORAM: V.M.KANADE,J.
DATED: 14-1-2005.

P.C.:

1. This application is filed by the original accused seeking stay of the order of conviction and sentence passed by the trial Court against him. The appeal is admitted and is pending for final hearing.

2. The prosecution case is that the applicant was attached to Civil Hospital, Thane, as a Psychiatrist and the complainant was under his treatment in the civil hospital as well as in his private clinic. The prosecution case is that the complainant wanted a medical certificate from the applicant so that he could avail of the salary during the leave period. The prosecution case is that the applicant demanded

Rs.1500/- for the purpose of giving a certificate to the complainant.

3. The learned Counsel appearing on behalf of the applicant has taken me through the sanction order as also the judgment and order passed by the trial Court. It is an admitted position that the complainant was also taking treatment for his illness from the private clinic of the applicant. The applicant has taken a stand that the amount which he demanded was towards the treatment which he had given to the complainant in his private clinic. The evidence on record does indicate that the complainant was taking treatment from the applicant in his private clinic.

4. In my view, this is a fit case to grant stay of the order of conviction passed by the Special Judge, Thane, dated 19.8.2004 in Special Case No. 16 of 2000. The stay application is allowed in the above terms.